

REMARKS

Claims 1-14 are all the claims pending in the application. Claims 1-14 presently stand rejected. For the reasons set forth below, Applicant respectfully traverses the rejections and requests favorable disposition of the application.

The drawings filed on August 28, 2001 are objected to by the Examiner; specifically, in regard to Fig. 12, the Examiner suggests that "12a" should probably be --112a--. Applicant wishes to thank the Examiner for pointing out this oversight. Accordingly, FIG. 12 has been amended.

Also, in the Office Action the Examiner noted that the listing of references in the specification is not a proper Information Disclosure Statement. In response, Applicant respectfully points out that the two Japanese references identified on page 5 of the specification, i.e., Japanese Unexamined Patent Publication Nos. 60(1985)-111568 and 60(1985)-236354, were already submitted in an IDS, as were their respective U.S. counterpart patents. (See IDS filed August 28, 2001). In regard to the Japanese reference identified on page 3 of the specification, i.e., Japanese Unexamined Patent Publication No. 11(1999)-372978, Applicant has herewith submitted an additional IDS including the U.S. counterpart application to this reference, i.e., U.S. Patent Application Publication No. 2001/0022349.

Prior Art Rejections

In regard to the prior art rejections, claims 1, 4/1, 5 and 8/5 are rejected under 35 U.S.C. § 102(e) as being anticipated by Mueller et al. (USP 6,373,074); Claims 2, 3, 4/2, 4/3, 6, 7, 8/6, 8/7, and 9-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mueller et al.

(USP 6,373,074) in view of Ishiwata (USP 6,157,756); and Claims 9-14 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of copending application no. 10/193,994 (US 2003/0010945 A1).

Response

In regard to the rejection of claims 1, 4/1, 5 and 8/5 under 35 U.S.C. § 102(e) as being anticipated by Mueller et al., Applicant has amended claims 1 and 5 to more clearly distinguish from Mueller et al. As a result, the rejected claims are believed to be patentable over Mueller et al. Specifically, Mueller et al. fails to teach or suggest at least the recited cylindrical lens and the corresponding method steps related to the cylindrical lens. The “reproduction optical devices 30-39” do not meet the requirements of the cylindrical lens of the claims.

As disclosed in Mueller et al., for example, at column 7, lines 55-58, reproduction optical devices 30-39 comprise a plurality of devices each associated with a respective laser diode, 20-29, as shown in Fig. 4. Indeed, at column 7, lines 58-60, it is stated that “for simplicity’s sake, the reproduction optics devices can be realized using cylinder lenses.” However, even if the reproduction optical devices 30-39 are realized from cylindrical lenses, they still comprise a plurality of lenses each associated with a respective diode laser. In comparison, the cylindrical lens recited in the claims is a single lens that converges each of the laser beams. For at least this reason, Mueller et al. does not anticipate any of claims 1, 4/1, 5 and 8/5 and, accordingly, the §102 rejection of these claims should be withdrawn.

In regard to the §103 rejection of claims 2, 3, 4/2, 4/3, 6, 7, 8/6, 8/7, and 9-14 as being unpatentable over Mueller et al. in view of Ishiwata, Applicant has amended claims 2, 3, 6, 7, 9

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/939,659

and 12 in similar fashion to claims 1 and 5 discussed above. Moreover, the combination of Mueller et al. and Ishiwata fails to teach or suggest the single cylindrical lens as claimed. For at least this reason, all of claims 2, 3, 4/2, 4/3, 6, 7, 8/6, 8/7, and 9-14 are patentable over the cited prior art and the §103 rejection of these claims should be withdrawn.

Lastly, in regard to the provisional double patenting rejection of claims 9-14 over Ishikawa, Applicant submits that claims 1-3 of Ishikawa fail to teach or suggest at least the cylindrical lens as claimed in claims 9-14 of the present application. Specifically, although claims 1-3 of Ishikawa each disclose "an optical system", there is no disclosure that suggests the details of the cylindrical lens of claims 9 and 12 of the present application. Claims 9-14 of the present application require a cylindrical lens while claims 1-3 of copending Appln. No. 10/193,994 require an optical system having an aspheric toric surface (i.e., a toric lens). The cylindrical lens is a lens having a curvature only in one direction, while the toric lens is a lens having different curvatures in orthogonal directions. Accordingly, the provisional double-patenting rejection should be withdrawn.

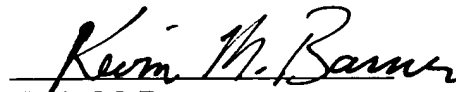
Conclusion

In view of the foregoing amendments and remarks, the application is believed to be in form for immediate allowance with claims 1-14, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to **contact the undersigned** at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/939,659

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, reading "Kevin M. Barner", written over a horizontal line.

Kevin M. Barner
Registration No. 46,075

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 6, 2004

Attorney Docket No.: Q65937